



PTO/SB/21 (08-03)  
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	10/526,860
		Filing Date	(Intl.) September 4, 2003
		First Named Inventor	Marc K. HELLERSTEIN
		Art Unit	1648
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	6+8 refs	Attorney Docket Number	416272003600

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	1. One copy of 8 Cited References
<input checked="" type="checkbox"/> Information Disclosure Statement w/ Form PTO/SB/08a/b (5 pages)	<input type="checkbox"/> CD, Number of CD(s) _____	2. Return Receipt Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MORRISON & FOERSTER LLP (Customer No. 20872) Michael R. Ward - 38,651
Signature	
Date	October 19, 2006

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: October 20, 2006	Signature:  (Leah Kjellen)

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **416272003600**.

Dated: October 19, 2006

Respectfully submitted,

By Michael R. Ward  
Michael R. Ward  
Registration No.: 38,651

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: October 20, 2006

Signature: \_\_\_\_\_

(Leah Kjellen)



Patent

Docket No. 416272003600

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Marc K. HELLERSTEIN

Serial No.: 10/526,860

Filing Date: (Intl.) September 4, 2003

For: METHODS FOR MEASURING THE  
RATES OF REPLICATION AND  
DEATH OF MICROBIAL INFECTIOUS  
AGENTS IN AN INFECTED HOST  
ORGANISM

Examiner: Not Yet Assigned

Group Art Unit: 1648

**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicant submits for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

Documents 1, 7, and 10 listed on the attached Form PTO/SB/08a/b, were cited in a Written Opinion mailed July 14, 2006, for Singapore application no. 200502593-7, filed November 4, 2003, which corresponds to related US application no. 10/701,990, filed November 4, 2003. The remaining documents cited in the Written Opinion were previously submitted in an information

disclosure statement for the present application. A copy of the Written Opinion is submitted herewith as a courtesy.

Documents 6 and 8 listed on the attached Form PTO/SB/08a/b, were cited in a Supplementary Partial European Search Report mailed July 25, 2006, for European application no. 02806603.3, filed October 23, 2002, which corresponds to related US patent application no. 10/279,399, filed October 23, 2002, now US patent 7,001,587. The remaining documents cited in the Search Report were previously submitted in an information disclosure statement for the present application. A copy of the Search Report is submitted herewith as a courtesy.

Document 2 listed on the attached Form PTO/SB/08a/b, was cited in an International Search Report and Written Opinion mailed August 8, 2006, for international application no. PCT/US05/10429, filed March 29, 2005, which corresponds to related US patent application no. 11/094,387, filed March 29, 2005. The remaining documents cited in the Search Report were either previously submitted in an information disclosure statement for the present application, or were not considered material to the present application. A copy of the Search Report and Written Opinion are submitted herewith as a courtesy.

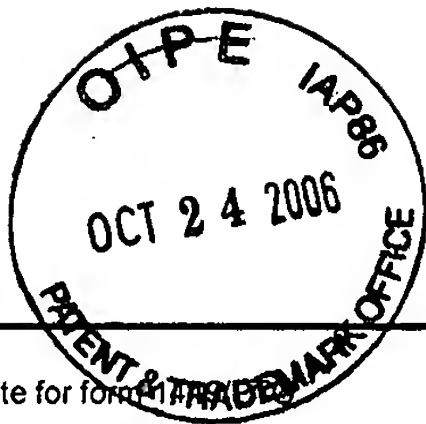
This Supplemental Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☒ **Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.**

- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
- ☐ A fee is required. A check in the amount of \_\_\_ is enclosed.
- ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_\_ is enclosed.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicant would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.



ALTERNATIVE TO PTO/SB/08a/b (07-05)

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/526,860
				Filing Date	(Intl.) September 4, 2003
				First Named Inventor	Marc K. HELLERSTEIN
				Art Unit	1648
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	416272003600

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	1.	US-5,026,909	06-25-1991	Zolotarev et al.	
	2.	US-5,665,377	09-09-1997	Gonella et al.	
	3.	US-6,117,656	09-12-2000	Seed	
	4.	US-2005/0255509	11-17-2005	Hellerstein et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	5.	SU-968036	10-25-1982	Dombrovski et al.		

\*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	6.	COLLINS, M. et al. (Mar. 15, 2000) "A Method for Measuring Mitochondrial Proliferation In Vivo Using 2H20 Incorporation Into Mitochondria DNA," FASEB Journal, 14(4):A620	
	7.	EMKEN, Edward A. et al. (1983) "Incorporation of deuterium-labeled <i>trans</i> - and <i>cis</i> -13-octadecanoic acids in human plasma lipids," Journal of Lipid Research, 24: 34-41	
	8.	HELLERSTEIN, Marc K. (1996) "Synthesis of Fat in Response to Alterations in Diet: Insights from New Stable Isotope Methodologies," Lipids, 31(Supp):S117-S125	
	9.	International Search Report and Written Opinion mailed August 8, 2006, for international application no. PCT/US05/10429, filed March 29, 2005, 15 pages	
	10.	NAGASAKA, Shoichiro et al. (May 1999) "Endogenous Glucose Production and Glucose Effectiveness in Type 2 Diabetic Subjects Derived From Stable-Labeled Minimal Modal Approach," Diabetes, 48: 1054-1056	
	11.	Supplementary Partial European Search Report mailed July 25, 2006, for European patent application no. 02806603, filed October 23, 2002	
	12.	Written Opinion mailed July 14, 2006, by the Australian Patent Office for Singapore patent application no. 200502593-7, filed November 4, 2003, 5 pages	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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sf-2195271